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NEW JERSEY RACING COMMISSION**Harness Racing
Pylons****Proposed New Rule: N.J.A.C. 13:71-20.25**

Authorized By: New Jersey Racing Commission, Judith A. Nason,
Acting Executive Director.

Authority: N.J.S.A. 5:5-30.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2019-103.

Submit written comments by August 30, 2019, to:

Judith A. Nason, Acting Executive Director
Department of Law and Public Safety
New Jersey Racing Commission
PO Box 088
Trenton, New Jersey 08625-0088
or via email to: NJRCWebinfo@lps.state.nj.us.

The agency proposal follows:

Summary

N.J.A.C. 13:71-20, Rules of Racing, governs the running of harness races in the State from post to finish, as well as the procedures utilized by the New Jersey Racing Commission (Commission) Judges when determining if an in-race violation occurred. Freehold Raceway and New Meadowlands Racetrack, the two harness racetracks in New Jersey, utilize pylons to mark the inner boundary of the racetrack. At the recommendation of the Presiding Judge at New Meadowlands and the Presiding Judge at Freehold Raceway, this notice of proposal aims to regulate the use, size, and placement of the pylons. This proposed new rule helps establish more clearly visible racetrack boundaries for the drivers. It also helps the judges be more consistent, as the pylons will be more visible and will be spread apart at uniform distance.

Pylons are presently used at both harness racetracks to demark the inner boundary of the racetrack. Should a horse's hoof or the wheel of a horse's sulky pass inside the pylon, the horse is considered to be out of bounds and the driver must immediately make effort to return in bounds. Upon going out of bounds, a driver is in violation of the Commission's rules unless a specific exception applies. This proposed new rule specifies the penalties for driving a horse out of bounds and the increased penalties for remaining out of bounds for an extended period of time. This proposed new rule also requires the pylons themselves to be of a uniform height, color, and spacing at all harness racetracks in the State. The cost of replacing the existing pylons at the two racetracks will be minimal.

Proposed new N.J.A.C. 13:71-20.25(a) states that it shall be a violation if a horse, or part of the horse's sulky, travels inside the pylons when not forced to do so by the actions of another driver or horse. The subsection also states that the pylons shall constitute the inside limits of the racetrack.

Proposed new N.J.A.C. 13:71-20.25(b) states that should any act of interference cause a part of a horse or the horse's sulky to cross inside the pylons and that horse is placed by the Judges, the horse that caused the interference shall be placed behind the horse with which it interfered. The Judges may choose not to place or penalize a horse that is forced to cross inside the pylons by the interfering actions of another horse or driver. However, the subsection also requires a horse that has been forced inside the pylons to return to the racetrack as soon as is safely possible or risk being found in violation of this rule.

Proposed new N.J.A.C. 13:71-20.25(c) explains the placing procedures the Judges must use should a horse or any part of its sulky cross within the pylons.

Proposed new N.J.A.C. 13:71-20.25(c)1 states that, should a horse, or any part of the horse's sulky, go inside a single pylon and, in the opinion of the Judges, gives the horse an unfair advantage or improved position, the horse may be placed at the Judge's discretion.

Proposed new N.J.A.C. 13:71-20.25(c)2 states that should a horse, or any part of the horse's sulky, go inside two consecutive pylons the horse shall be placed behind all horses that are lapped onto the offending horse

at the finish. The offending horse need not have gained an unfair advantage or improved position in order for placement to occur.

Proposed new N.J.A.C. 13:71-20.25(c)3 states that should a horse, or any part of the horse's sulky, go inside three or more consecutive pylons, the offending horse shall be placed last.

Proposed new N.J.A.C. 13:71-20.25(c)4 states that should a horse, or any part of the horse's sulky, go inside pylons at two or more distinct portions of the race, each occurrence will be considered a separate violation of this rule.

Proposed new N.J.A.C. 13:71-20.25(c)2, 3, and 4 state that its provisions are subject to the discretion of the Judges should the interference of another horse or driver force the horse inside the pylons.

Proposed new N.J.A.C. 13:71-20.25(d) sets forth the requirements for the size, specification, and location of the pylons themselves.

Proposed new N.J.A.C. 13:71-20.25(d)1 requires that all pylons be either white, red, yellow, or orange in color. The paragraph also requires that all pylons be the same color, except for the pylon at the wire, which can be any color of the racetrack's choosing.

Proposed new N.J.A.C. 13:71-20.25(d)2 requires that all pylons have a red stripe, or band, at the point furthest from the ground to make the pylons more visible to the race participants and Judges. Such stripe can be painted on the pylon or consist of colored tape. The proposed new rule requires the stripe to be easily visible. Should the pylons themselves be red, the stripe must be white or yellow.

Proposed new N.J.A.C. 13:71-20.25(d)3 requires that all pylons be no less than a length of 30 inches above the ground, set at a 30-degree inward angle to the track surface and be placed 40 feet apart around the turns and 60 feet apart on the straightaways. Any distance that remains after spacing the pylons on the home stretch shall be made up at the finish line. Any distance that remains after spacing the pylons on the backstretch shall be made up between the two pylons in the middle of the backstretch and furthest from the turns. All pylons on the turns shall be 40 feet in distance with no exceptions.

As the Commission has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The creation of required pylon distances, heights, and angles mandated by this proposed new rule will increase the fairness of each harness race conducted in New Jersey by standardized the penalties attached to racing out of bounds and reducing any issues with the visibility that exists with the current pylons. Fairness in racing is an eminent goal for the Racing Commission because conducting fair and equal races increases the trust of the wagering public.

Economic Impact

The proposed new rule will have a de minimus impact on the existing harness racetracks in the State. Both the Meadowlands Racetrack and Freehold Raceway currently utilize pylons as the inner boundary of their racetracks. This proposed new rule will require each track to purchase a few additional pylons each and to paint them with the proper coloring and markings. The tracks will also have to ensure that the pylons are of the proper length and placed at the proper angle.

Federal Standards Statement

A Federal standards analysis is not required as there are no Federal standards or requirements applicable to the proposed new rule. The Commission proposes this new rule pursuant to the rulemaking authority set forth at N.J.S.A. 5:5-30 et seq.

Jobs Impact

The Commission has evaluated this proposed new rule and determined that it will not add any jobs in the State.

Agriculture Industry Impact

The Commission has evaluated this proposed new rule and determined that it will not have an impact on the agricultural industry in the State. Accordingly, no further analysis is required.

Regulatory Flexibility Statement

The proposed new rule will not impact any small businesses in the State, as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Accordingly, no regulatory flexibility analysis is required.

Housing Affordability Impact Analysis

The Commission has evaluated this proposed new rule and determined that it will not have an impact on housing affordability in the State and is highly unlikely to affect the average costs associated with housing, as the proposed new rule pertains to placement, and rules related to, pylons at racetracks.

Smart Growth Development Impact Analysis

The Commission has evaluated this proposed new rule and determined that it will not have an impact on smart growth in the State and is highly unlikely to evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan, as the proposed new rule pertains to placement, and rules related to, pylons at racetracks.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commission has evaluated this proposed new rule and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposed new rule follows:

SUBCHAPTER 20. RULES OF RACING

13:71-20.25 Pylons

(a) It shall be a violation of this rule if a horse, while on stride, or part of the horse's sulky, travels inside the existing pylons when not forced to do so by the actions of another driver or horse. The pylons shall constitute the inside limits of the racetrack.

(b) When an act of interference causes a horse, or part of the horse's sulky, to cross inside the pylons and the horse is placed by the Judges, the offending horse shall be placed behind the horse with which it interfered. The horse that was forced inside the pylons must attempt to return to the racetrack as soon as is safely possible. A horse remaining inside the pylons once, in the Judge's discretion, it is safe to return to the racetrack, may be penalized in accordance with this rule.

(c) For purposes of placing, the following shall apply:

1. If a horse while on stride, or any part of the horse's sulky, goes inside a pylon and, in the opinion of the Judges, that action improved the position of the horse or gave that horse an unfair advantage over other horses in the race, the horse may be placed at the discretion of the Judges;

2. If a horse while on stride, or any part of the horse's sulky, goes inside two consecutive pylons and was not forced to do so by the interference of another horse or driver, the offending horse shall be placed behind all horses that are lapped to the offending horse at the wire;

3. If a horse while on stride, or any part of the horse's sulky, goes inside three or more consecutive pylons and was not forced to do so by the interference of another horse or driver, the offending horse shall be placed last; and

4. If a horse while on stride, or any part of the horse's sulky, goes inside a single pylon more than one time in a single race and was not forced to do so by the interference of another horse or driver, each occurrence will be considered an individual violation of this rule.

(d) Pylons at all racetracks shall be spaced consistently and shall conform to the following:

1. Pylons, other than the pylon at the wire, shall be white, red, yellow, or orange in color but all pylons at a single racetrack must be the same color except for the pylon at the wire, which can be any color of the racetrack's choosing;

2. All pylons must have a red band at the point furthest from the ground to make the point more visible to race participants and officials. Should the pylon itself be red, the pylon must have a white or yellow band at the point furthest from the ground;

3. At all racetracks, pylons shall be:

i. Thirty inches above ground;

- ii. Set at a 30-degree inward angle to the track surface;
- iii. Forty feet apart on the turns; and
- iv. Sixty feet apart on the straightaways.

STATE**(a)****NEW JERSEY STATE LIBRARY****New Jersey Library Construction Bond Act Rules
Proposed New Rules: N.J.A.C. 15:24**

Authorized By: New Jersey State Library, Mary L. Chute, State Librarian, with the approval of Merodie A. Hancock, PhD., President, Thomas Edison State University.

Authority: P.L. 2017, c. 149.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2019-102.

Submit written comments by August 30, 2019, electronically to mchute@njstatelib.org. Each comment should be identified by the applicable N.J.A.C. citation, with the commenter's name and affiliation following the comment. The State Library encourages electronic submittal of comments. In the alternative, comments may be submitted on paper to:

Mary L. Chute, State Librarian
New Jersey State Library
PO Box 520
Trenton, New Jersey 08625
Fax No: 609-278-2652
Email: mchute@njstatelib.org

The agency proposal follows:

Summary

As the New Jersey State Library has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Overview

The New Jersey State Library is proposing new rules, N.J.A.C. 15:24, to implement the New Jersey Library Construction Bond Act (the Act), P.L. 2017, c. 149, enacted July 21, 2017. New Jersey voters approved the Bond Act on November 7, 2017. The Act authorizes the issuance of \$125 million in general obligation bonds for the construction, reconstruction, extension, improvement, and furnishing of New Jersey's public libraries.

Public libraries have always excelled in providing information for all. This goal is bigger than ever, given libraries' mission to provide access to information critical to all aspects of people's lives: education, business, career, health, social, and civic services, as well as entertainment, recreation, parenting skills, and community life. For those with no access to technology or limited access to the wealth of information provided by libraries, everyday life can be very challenging. Walking through the doors of a public library, or accessing remotely from another location, can literally be the first step someone takes on a personal journey to change his or her life.

With assistance from the Act, libraries can become well positioned to level the playing field for all of the State's residents. New construction and improvements to the State's public libraries, particularly with technology, will enable the people of New Jersey to improve the quality of their lives by providing a high level of easy access both physically and technologically to traditional and 21st century information services.

The purpose of the Act is to improve New Jersey's public library facilities in order to ensure the well-being and success of New Jersey's residents. Public libraries offer the residents of New Jersey critical educational, training, and civic services. For public libraries to best serve the residents of their communities, a modern, efficient, technologically current building with flexible space for the future is necessary.